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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT SEATTLE

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13 BCMB1 TRUST, a Delaware Statutory Trust,

14 Plaintiff,

15 vs.

16 CHRISTINA MARIE JONES, an individual;
17 ALL PERSONS UNKNOWN, CLAIMING
18 ANY LEGAL OR EQUITABLE RIGHT,
19 TITLE, ESTATE, LIEN, OR INTEREST IN
20 THE PROPERTY DESCRIBED IN THE
COMPLAINT ADVERSE TO PLAINTIFF'S
SECURITY INTEREST, AND DOES 1-20
INCLUSIVE,

21 Defendants.

CASE NO.: 2:20-cv-01124-MJP

JOINT STATUS REPORT AND
DISCOVERY PLAN
(FRCP 26(f) and Local Rule 26(f))

22 Plaintiff BCMB1 Trust ("Plaintiff" or "Trust") and Defendant Christina Marie Jones ("Defendant"
23 of "Jones"), (collectively, "Parties") hereby submit this Joint Status Report and Discovery Plan.

24 **I. STATEMENT OF THE NATURE AND COMPLEXITY OF THE CASE.**

25 This is a declaratory relief action and raises issues regarding the statute of limitations of a real
26 property lien and which debts are discharged in bankruptcy. The facts are simple. On or about October
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1 7, 2006, for valuable consideration, Defendant made, executed and delivered to non-party Lending
2 Connection, Inc. a Note ("Note") evidencing a loan to Defendant in the original principal amount of
3 \$136,420.00 ("Loan"). To secure payment of the principal sum and interest provided in the Note, as part
4 of the same transaction, Defendant executed and delivered to Mortgage Electronic Registration Systems,
5 Inc. ("MERS"), as beneficiary, a Deed of Trust ("Deed of Trust") dated October 7, 2006 recorded as
6 instrument number 20061002507 in the Official Records of the Whatcom County Recorder's Office
7 ("Official Records") on October 17, 2006. This Deed of Trust was a second deed of trust behind a senior
8 lien for a loan made in August of 2004 for \$211,600 to lender Homecomings Financial Network, Inc.
9 secured by the first deed of trust naming MERS as the beneficiary. The Note/Loan was sold several times
10 and the subject Deed of Trust was subsequently assigned several times and ultimately assigned to Plaintiff,
11 who has possession of the original note.

12 On July 30, 2008, Defendant Jones filed a Chapter 13 bankruptcy in the Western District of
13 Washington. On August 20, 2013, Defendant received a Chapter 13 discharge of certain debts. The
14 Parties disagree as to whether this debt was discharged.

15 Defendant fell behind on her payments. In November 2013, Defendant and Nationstar Mortgage,
16 who was servicing the loan at that time, commenced loss mitigation communications for a loan
17 modification. On April 12, 2014 and again on July 24, 2014, Defendant sent written communications to
18 the loan servicer Nationstar Mortgage regarding the repayment of the debt. Over the last several months,
19 Plaintiff has attempted to work out a loan modification or settlement with Defendant but an issue has
20 arisen. Defendant contends the debt was discharged in the bankruptcy and the statute of limitations has
21 run. Plaintiff contends this debt was not discharged in the bankruptcy. Plaintiff further contends that no
22 statute of limitations has run as the statute of limitations was tolled during the bankruptcy proceeding and
23 during the time of loss mitigation. Plaintiff further contends that Defendant acknowledged the debt in a
24 signed writing and her intent to repay the debt, which restarted the statute of limitations. Defendant does
25 not recall this interaction, denies that it was with Plaintiff, or that it restarted the statute of limitations.
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1 **II. DEADLINE FOR JOINING OF ADDITIONAL PARTIES.**

2 The Parties do not anticipate joining any additional parties to the lawsuit.

3 **III. ASSIGNMENT OF THE CASE CONSENT TO MAGISTRATE JUDGE FOR ALL**
4 **PURPOSES.**

5 The Parties do not consent to a magistrate judge in this action.

6 **IV. DISCOVERY PLAN**

7 **A. INITIAL DISCLOSURES.**

8 Plaintiff has already provided its initial disclosures on September 21, 2020.

9 Defendant has already provided her initial disclosures.

10 **B. SUBJECTS, TIMING AND POTENTIAL PHASING OF DISCOVERY.**

11 Completion of written discovery: March 31, 2021

12 Completion of depositions: May 31, 2021

13 **C. ELECTRONICALLY STORED INFORMATION.**

14 The Parties will preserve any electronic stored information related to the case.

15 **D. PRIVILEGE ISSUES.**

16 The Parties maintain the right to claim the attorney-client, right to privacy, trade secrets and
17 work product privileges. They do not anticipate any issues.

18 **E. PROPOSED LIMITS ON DISCOVERY.**

19 Plaintiff anticipates sending written discovery and taking the deposition of Defendant. The

20 Defendant anticipates serving Plaintiff and others with Interrogatories, Requests for

21 Production and Requests for Admission.

22 **F. NEED FOR ANY DISCOVERY RELATED ORDERS.**

23 The Parties do not believe there is currently a need for any discovery related orders.

24 **V. PARTIES VIEWS ON THE FOLLOWING TOPICS:**

25 **A. PROMPT CASE RESOLUTION.**

26 The Parties would like to promptly resolve the case.

B. ALTERNATIVE DISPUTE RESOLUTION.

The Parties are agreeable to a settlement conference via conference call.

C. RELATED CASES.

There are no related cases. Defendant Christina Marie Jones filed a chapter 13 bankruptcy in the Western District of Washington on July 30, 2008 and received a discharge of certain debts on August 20, 2013.

D. DISCOVERY MANAGEMENT.

The Parties do not believe they need any special discovery management.

E. ANTICIPATED DISCOVERY SOUGHT.

The Parties anticipate written discovery and depositions of Jones and employees or representatives of Plaintiff with knowledge of Defendant's account at issue, Plaintiff's custodian of records and witnesses identified by Plaintiffs.

F. PHASING MOTIONS.

The Parties do not anticipate the need for phasing motions.

G. PRESERVATION OF DISCOVERABLE INFORMATION.

The Parties will preserve all discoverable information.

H. PRIVILEGE ISSUES.

The parties due not anticipate any disputes of privilege issues.

I. MODEL PROTOCOL FOR DISCOVERY OF ESI.

The parties do not anticipate any ESI discovery.

J. Alternatives to Model Protocol.

Not applicable.

VI. THE DATE ON WHICH DISCOVERY CAN BE COMPLETE.

Discovery can be completed by May 31, 2021.

VII. WHETHER THE CASE SHOULD BE BIFURCATED BY TRYING THE LIABILITY ISSUES BEFORE THE DAMAGES ISSUES, OR BIFURCATED IN ANY OTHER WAY.

The case should not be bifurcated.

VIII. WHETHER THE PRETRIAL STATEMENTS AND PRETRIAL ORDER CALLED FOR BY LOCAL CIVIL RULES 16(e), (h), (i), AND (k), AND 16.1 SHOULD BE DISPENSED WITH IN WHOLE OR IN PART FOR THE SAKE OF ECONOMY.

The Parties believe the pretrial statements and pretrial order should be dispensed with in the sake of economy. Each side will file exchange exhibits and file a trial brief 20 days before trial.

IX. ANY OTHER SUGGESTIONS FOR SHORTENING OR SIMPLIFYING THE CASE.

None.

X. THE DATE THE CASE WILL BE READY FOR TRIAL.

August 2021.

XI. JURY OR NON-JURY TRIAL.

Non-jury trial.

XII. THE NUMBER OF TRIAL DAYS REQUIRED.

One to two days for trial.

XIII. THE NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF ALL TRIAL COUNSEL.

Nancy R. Tragarz of Ghidotti | Berger LLP, 1920 Old Tustin Avenue, Santa Ana, CA 92705

Telephone: (949) 427-2010

Steven C. Hathaway, 3811 Consolidation Avenue, Bellingham, WA 98229, Telephone (360) 676-0529

**XIV. THE DATES ON WHICH THE TRIAL COUNSEL MAY HAVE COMPLICATIONS
TO BE CONSIDERED IN SETTING A TRIAL DATE.**

None.

XV. STATUS OF SERVICE.

All parties have been served.

XVI. SCHEDULING CONFERENCE.

The Parties do not wish a scheduling conference before the Court enters a scheduling order in the case.

**XVII. LISTS OF DATES EACH NONGOVERNMENTAL CORPORATE PARTY FILED
ITS DISCLOSURE STATEMENT PURSUANT TO FRCP 7.1 AND LOCAL RULE
7.1.**

BCBM1 Trust filed its Corporate Disclosure on July 20, 2020.

Dated September 28, 2020

GHIDOTTI | BERGER LLP

By: /s/ Nancy R. Tragarz

Nancy R. Tragarz, WSBA #56153
Attorney for Plaintiff, BCMB1 TRUST
1920 Old Tustin Avenue
Santa Ana, CA 92705
Telephone: (949) 427-2010
ntragarz@ghidottiberger.com

Dated September 28, 2020

LAW OFFICE OF STEVEN C. HATHAWAY

By: /s/ Steven C. Hathaway

Steven C. Hathaway, WSBA #24971
Attorneys for Defendant
CHRISTINA MARIE JONES
3811 Consolidation Avenue
Bellingham, WA 98229
shathaway@expresslaw.com